

SECTION 10(a)(1)(B) PERMIT FOR TAKES OF  
ENDANGERED/THREATENED SPECIES

Permit Number: 1233 (Modification 1)  
Permit Type: Individual Incidental Take  
Expiration Date: December 31, 2004  
Reporting Period: January 1 through December 31  
Annual Report Due: April 15 each year

Permit Holder:

Idaho Department of Fish and Game  
P.O. Box 25  
600 South Walnut Street  
Boise, Idaho 83707

Contact:

Virgil Moore  
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Authorization:

The Idaho Department of Fish and Game (IDFG) is hereby authorized an annual incidental take of endangered Snake River sockeye salmon (*Oncorhynchus nerka*); **threatened Snake River steelhead (*O. mykiss*)** threatened, Snake River spring/summer chinook salmon (*O. tshawytscha*); and threatened Snake River fall chinook salmon (*O. tshawytscha*) while implementing the State of Idaho's sport-fishing programs, as cited in the Permit Holder's application, subject to the provisions of Section 10(a)(1)(B) of the Endangered Species Act of 1973 (ESA) (16 U.S.C. §§ 1531-1543), the National Marine Fisheries Service (**NOAA Fisheries**) regulations governing ESA-listed species permits (50 CFR Parts 222-226), and the conditions hereinafter set forth.

Abstract:

IDFG's recreational fishing programs include the following activities: (1) Resident sport-fishing in waters which also support ESA-listed chinook and sockeye salmon under the IDFG General Fishing Regulations, including kokanee and trout fisheries in Redfish, Alturas, and Pettit Lakes; (2) chinook salmon sport-fishing in the Clearwater River, **Snake River, lower Salmon River**, Little Salmon River, and South Fork Salmon River under the IDFG Anadromous Salmon Fishing Regulations; and (3) summer steelhead fishing during the fall and spring seasons under the IDFG Steelhead Fishing Regulations. This permit constitutes authorization for implementation of the IDFG General Fishing Regulations, the IDFG Anadromous Salmon Fishing Regulations, and the IDFG Steelhead Fishing Regulations. **The incidental take of listed steelhead that occurs during implementation of the General Fishing Regulations is addressed in a Fisheries Management and Evaluation Plan developed by IDFG and currently being assessed by NOAA Fisheries under Section 4(d) of the ESA.**

#### General Fishing Regulations:

Mainstem Rivers and Tributary Streams – The general statewide stream-fishing season in Idaho runs from the Saturday of Memorial Day Weekend through November 30. Exceptions to the general stream-fishing season include certain river sections that are open year-round and rivers or stream sections that are closed to fishing for all or part of the general stream-fishing season.

**General fishing targets** resident species in the **Salmon River sub-basin**, the **Clearwater River sub-basin**, and the Snake River below Hells Canyon Dam. The incidental take of ESA-listed fish may occur when adult, jack, **or juvenile threatened**, Snake River spring/summer or fall chinook salmon, sockeye or steelhead are mistaken for resident species and harvested unintentionally or as a result of hooking mortalities **when listed species are caught and released by anglers**.

Redfish, Alturas, and Pettit Lakes – IDFG is authorized annual incidental take of endangered, residual Snake River sockeye salmon associated with a kokanee fishery in Redfish, Alturas, and Pettit Lakes from January 1 until August 7. The purpose of the fishery is to reduce the kokanee population in the Stanley Basin lakes because kokanee are a direct competitor with captive brood sockeye salmon for habitat and food. Anglers will be directed to avoid harvesting fish marked with external hatchery indications. An annual incidental take of juvenile, endangered, anadromous Snake River sockeye salmon is authorized associated with resident trout fisheries in Redfish, Alturas, and Pettit Lakes.

#### Anadromous Salmon Fishing Regulations:

These fisheries are subject to **annual** approval by **NOAA Fisheries** in the Northwest Region based on projected returns of **naturally produced listed fish and** non-listed, hatchery-produced adult salmon to the respective watershed (see Operational Reports and Notification Requirement D.1.). **In any year that a chinook salmon fishery is approved by NOAA Fisheries the specifics of the fishery, including season dates, locations, and mitigative activities will be tailored to minimize the mortality of ESA-listed fish in the watershed. Annual incidental take caps will be determined based on the authorized levels described below in Section A. Level of Incidental Take, Anadromous Salmon Fishing Regulations, conditions 1, 2, and 5. The fishery will be terminated when harvest objectives are achieved, the authorized mortality level of ESA-listed adult fish is reached, or the specified termination date for each recreational fishery, whichever occurs first. NOAA Fisheries will review the predicted return of ESA-listed fish (hatchery and naturally produced), non-listed hatchery-produced fish, the proposed fishing regulations, and incidental take quotas. The IDFG fishery, in conjunction with other fisheries proposed by treaty Tribes, must be in compliance with total incidental take limits for that year.**

Rapid River/Little Salmon River – The Rapid River/Little Salmon River chinook salmon fishery occurs from approximately **mid-April until either the incidental take quota is reached, the State's harvest share is attained, or August 7**, whichever comes first, and is targeted at unlisted surplus fish returning to the Rapid River Fish Hatchery. Any ESA-listed adult fish that are taken incidentally in this fishery are fish that are bound for the Little Salmon River. Harvest

takes place in the Little Salmon River from its mouth upstream to **the Smokey Boulder Bridge, a distance of about 25 miles**. The amount of suitable spawning habitat and the numbers of natural spawners in the Little Salmon River and its tributaries (except Rapid River) are limited; there is evidence of hatchery influence in the natural spawning population because of hatchery fish outplanting.

**Salmon River – The Salmon River chinook salmon fishery occurs from approximately mid-April until either the annual incidental take quota is reached, the harvest objective is attained or June 16, whichever comes first, and is targeted at surplus, unlisted, hatchery-produced fish returning to the Rapid River Fish Hatchery. ESA-listed adult fish that are taken incidentally in this fishery may be fish that are bound for the Little Salmon River or other upstream tributaries. The fishery takes place in the Salmon River from Hammer Creek upstream to the mouth of the Little Salmon River, a distance of about 30 miles. The amount of natural spawning in this section of the Salmon River and its tributaries is limited; however, chinook salmon destined for spawning areas further upstream must pass through this river reach.**

**Snake River, Imnaha River upstream to Hells Canyon Dam – The Snake River-Hells Canyon reach chinook salmon fishery occurs from approximately mid-April until either the annual incidental take quota is reached, the harvest objective is attained, or August 7, whichever comes first, and is targeted at surplus, unlisted, hatchery-produced fish of the Rapid River stock returning to Hells Canyon Dam Fish Trap. Any ESA-listed adult fish that are taken incidentally in this fishery are believed to be strays from other drainages because there is very limited production of spring chinook in the Hells Canyon reach of the Snake River and the canyon tributaries. The fishery takes place in the Snake River from a posted line upstream from the mouth of the Imnaha River upstream to a posted line downstream from Hells Canyon Dam, a distance of about 60 miles. Numbers of natural spawners in this reach of the Snake River and its tributaries are limited; there is evidence of hatchery influence in the natural spawning population because of hatchery fish outplanting. This reach of the Snake River forms the boundary between the states of Idaho and Oregon. Idaho anglers may fish these waters under the terms of this permit, and subject to agreement between the states. Oregon anglers may also fish these waters under this permit so long as the fishery is consistent with the conditions in this permit.**

**Snake River, Lewiston, Idaho to Dug Bar, Washington (Idaho/Washington boundary waters reach) – The chinook salmon fishery may occur from mid-April until the end of May or until either the annual incidental take quota is reached or the harvest objective is attained, and targets the early-arriving, unlisted, hatchery-produced chinook salmon destined for Rapid River Hatchery and Hells Canyon Dam. Open waters include the main stem of the Snake River from the Southway Bridge between Lewiston, Idaho and Clarkston, Washington upstream approximately 23 miles to the Heller Bar boat ramp. This reach of the Snake River forms the boundary between the states of Idaho and Washington. Idaho anglers may fish these waters under the terms of this permit, and**

subject to agreement between the states. Washington anglers may also fish these waters under this permit so long as the fishery is consistent with the conditions in this permit. Fisheries in this reach of the Snake River will be closely monitored by the Permit Holder to ensure that harvest objectives are not exceeded.

Clearwater River – This fishery includes the North Fork Clearwater River from its mouth upstream to Dworshak Dam at river km 3.0, **the Clearwater River from the Camas Prairie Railroad Bridge at Lewiston, Idaho (river mile 1.6) upstream to about river mile 100, the South Fork Clearwater River, and the Lochsa River.** Since chinook salmon from the Clearwater River are not listed under the ESA, no incidental take of ESA-listed spring/summer chinook salmon is expected. Nevertheless, the legal harvest under IDFG regulations will be restricted to adipose fin-clipped hatchery fish only. Harvest occurs between April 15 and August 7 to ensure that no take of ESA-listed fall chinook salmon occurs.

South Fork Salmon River – The South Fork Salmon River fishery **occurs from early June until either the annual incidental take quota is reached, the state’s harvest objective is attained, or August 7, whichever comes first, and is targeted at unlisted, hatchery-produced summer chinook of the McCall Hatchery/South Fork stock returning to the South Fork Fish Trap.** The primary source of take will be the incidental catch and release of ESA-listed adult fish with associated catch-and-release mortality.

#### Steelhead Fishing Regulations:

**Waters open to harvest of steelhead in Idaho include the Clearwater River from its mouth upstream to Clear Creek, the South Fork Clearwater River upstream to Red River and the North Fork Clearwater River upstream to Dworshak Dam; the Snake River upstream to Hells Canyon Dam, the Salmon River upstream to Redfish Lake Creek and the Little Salmon River upstream to the U.S. Highway 95 bridge near Smokey Boulder road.** The Idaho steelhead sport-fishing season opens on September 1 for the Snake and Salmon Rivers, and on October 15 for the Clearwater River. The steelhead sport-fishery closes on April 30 for the Snake and Clearwater Rivers and on March 31 for the Salmon River. Only non-listed, hatchery-produced steelhead **with a missing adipose fin (as evidenced by a healed scar)** will be harvested during open steelhead seasons. Steelhead with intact adipose fins will immediately be released unharmed. An incidental take of listed, naturally produced steelhead and fall chinook salmon may occur due to hooking and release injuries. No listed spring/summer chinook are expected to be present during spring or fall steelhead fishing.

#### A. Level of Incidental Take

This permit is for activities to be conducted over approximately a five-year period. Take numbers listed below are the maximum numbers authorized annually from 2002 through 2004, unless otherwise indicated.

### General Fishing Regulations

1. Mainstem Rivers and Tributary Streams:
  - a. The incidental harvest of up to 10 adult and/or jack threatened, Snake River spring/summer chinook salmon and the incidental catch and release of up to 60 adult, threatened, Snake River spring/summer chinook salmon, of which 6 may die, is authorized.
  - b. The incidental catch and release of up to 500 juvenile, threatened, Snake River spring/summer chinook salmon, of which 50 may die, is authorized.
  - c. The incidental catch and release of up to 10 adult, threatened, Snake River fall chinook salmon, of which 1 may die, is authorized.
  - d. **The incidental catch and release of up to 10 adult, threatened, Snake River Basin steelhead, of which 1 may die, is authorized.**
2. Redfish, Alturas, and Pettit Lakes:
  - a. Up to 34 residual adult and/or juvenile, endangered, naturally-produced (unmarked), Snake River sockeye salmon may be harvested incidental to a kokanee fishery at Redfish, Alturas, and/or Pettit Lakes.
  - b. Up to 30 juvenile, endangered, hatchery-produced (marked), Snake River sockeye salmon may be harvested incidental to a resident trout fishery at Redfish, Alturas, and/or Pettit Lakes.

### Anadromous Salmon Fishing Regulations

1. Rapid River/Little Salmon River: In a year when this fishery is approved by NOAA Fisheries, up to 80 adult, threatened, Snake River spring/summer chinook salmon may be caught and released, of which up to 8 may die, incidental to the harvest of non-listed adult, artificially-propagated (adipose fin-clipped), spring/summer chinook salmon.
2. **SNAKE RIVER, LOWER SALMON RIVER, AND RAPID RIVER/LITTLE SALMON RIVER: In addition to number 1 above, annual incidental take caps will be determined in any year that a spring chinook fishery is approved by NOAA Fisheries based on the following sliding scale:**

<b>Lower Granite Dam Predicted Return of Naturally Produced Listed Spring Chinook</b>	<b>Proposed Maximum Percent of Naturally produced Run Mortality for IDFG Recreational Fishery</b>	<b>Range of Potential Incidental Mortalities (number of fish)</b>	<b>Estimated Total Take (catch and release)</b>
< 2,800	0%	0	-
2,800 to 4,500	0.25%	7 - 11	70-110
4,501 to 10,000	0.5%	22 - 50	220-500
10,001 to 15,000	0.75%	75 - 112	750-1,120
15,001 to 20,000	1.0%	150 - 200	1,500-2,000
20,001 to 25,000	1.5%	300 - 375	3,000-3,750
> 25,001	2.0%	> 500	>5000

**NOAA Fisheries will review the predicted return of non-listed, hatchery-produced, adult salmon as well as the predicted return of ESA-listed hatchery and naturally-produced salmon, the proposed fishing regulations, and incidental take quotas. The IDFG fishery must be in compliance with total incidental take limits for that year. The annual incidental take cap will be based on the projected annual run size, analysis of impacts to listed species and consultation between IDFG and NOAA Fisheries (see Operational Reports and Notification Requirements D.1).**

- 3. The Snake River, where it forms the boundary between the states of Oregon and Idaho, is subject to reciprocal fishing agreements between the two states. IDFG and Oregon Department of Fish and Wildlife (ODFW) may jointly initiate a fishery conditional on ODFW adopting reciprocal regulations and reporting harvest and incidental take within the limits authorized to IDFG by this permit.**
- 4. The Snake River, where it forms the boundary between the states of Idaho and Washington, is subject to reciprocal fishing agreements between the two states. IDFG and Washington Department of Fish and Wildlife (WDFW) may jointly initiate a fishery conditional on WDFW adopting reciprocal regulations and incidental take within the limits authorized to IDFG by this permit.**
- 5. South Fork Salmon River: Annual incidental take caps for fisheries in the South Fork of the Salmon River will be determined in any year that a fishery is approved by NOAA Fisheries. NOAA Fisheries will review the predicted return of non-listed, hatchery-produced, adult salmon as well as the predicted return of**



ESA-listed hatchery and naturally-produced salmon, the proposed fishing regulations, and incidental take quotas. The IDFG fishery, in conjunction with other fisheries proposed by treaty Tribes, must be in compliance with total incidental take limits and harvest sharing agreements for that year. The annual incidental take cap will be based on the projected annual run size, analysis of impacts to listed species and consultation between IDFG and NOAA Fisheries (see Operational Reports and Notification Requirements D.1).

6. **The catch-and-release of up to 100 threatened, adult, Snake river Basin steelhead, of which 5 might die, incidental to anadromous salmon fisheries, is authorized.**

#### Steelhead Fishing Regulations

1. The incidental catch and release of up to 20 adult, threatened, Snake River fall chinook salmon, of which 2 may die, is authorized.
2. **Up to 3.2 percent mortality (resulting from catch and release of up to 64 percent) of threatened Snake River Basin steelhead returning to Idaho, incidental to harvest of hatchery-produced steelhead is authorized annually.**

#### B. Special Conditions

Incidental takes of ESA-listed anadromous salmonids is authorized as described in the permit application and subject to the provisions of IDFG's conservation plan and the conditions specified in this permit.

1. Spring/summer chinook salmon fishing must not continue after August 7 of any year in the **Snake River upstream of Dug Bar (approximately 5 miles upstream of the Imnaha River) to Hells Canyon Dam**, Little Salmon River or in the Clearwater River to ensure that a take of threatened Snake River fall chinook salmon is not likely to occur.
2. **Spring/summer chinook salmon fishing in the Snake River (Southway Bridge between Lewiston, Idaho and Clarkston, Washington to Heller Bar boat ramp approximately 0.7 miles downstream of the Grande Ronde River) must not continue past the end of May of any year in which fisheries occur in this area, to protect later running wild spring/summer chinook salmon.**
3. **Spring/summer chinook salmon fishing in the lower main-stem Salmon River must not continue past the middle of June of any year in which fisheries occur in this area to protect later running wild spring/summer chinook salmon.**

4. The **SNAKE RIVER, lower Salmon River, Rapid River/Little Salmon River, Clearwater River and South Fork Salmon River** **spring/summer chinook** fisheries are subject to **annual** approval by the **NOAA Fisheries**. **NOAA Fisheries approval will be in the form of a letter from the Chief, Hatchery and Inland Fisheries Branch, after NOAA Fisheries receives a description from IDFG of the projected returns and harvest management intentions (see Operational Reports and Notification Requirements section D-1), and finds that year's proposed management consistent with this permit.** In a year when the respective fishery is approved, the fishery must be terminated when the **harvest objective** is achieved, the authorized annual mortality level of ESA-listed adult fish is reached, or **annual specified termination date**, whichever occurs first.
5. The IDFG must manage recreational fisheries to limit the incidental harvest of ESA-listed spring/summer chinook salmon, fall chinook salmon, **steelhead** and sockeye salmon to the levels described in this permit. The IDFG must make use of its in-season monitoring information to watch for opportunities to shape the fishery in the **SNAKE RIVER, lower Salmon River, Clearwater River, South Fork Salmon River and Little Salmon River** to reduce proportional impacts on ESA-listed natural-origin chinook salmon.
6. The IDFG must maintain law enforcement and public information programs to enhance the protection of ESA-listed fish and to ensure compliance with ESA-listed fish protective regulations. The IDFG must:
  - a) Continue to provide public education and information materials that emphasize the importance of protecting ESA-listed anadromous fish species;
  - b) participate with co-managers and land management agencies to provide warning signs that will direct citizens to avoid disturbing salmon that are spawning and to avoid wading or boating activities that may damage redds. The signs should also explain the legal and biological consequences of harassing or harming ESA-listed fish;
  - c) provide law enforcement patrols focused on times and areas where ESA-listed anadromous fish may be vulnerable to illegal harvest or harassment; and
  - d) restrict fishing activities and/or increase enforcement emphasis at any time or place that is identified during fisheries monitoring as exhibiting a potential hazard to ESA-listed fish.
7. The IDFG must take measures to prevent incidental take of ESA-listed fish by informing fishers on subjects such as differentiating ESA-listed from non-listed fish, avoiding redds, and methods for releasing non-target fish alive. Actions shall also be taken to identify and protect, through warning signs or other means,



ESA-listed fish critical spawning areas. A summary of public education efforts must be provided in annual reports (see Permit Report and Reauthorization Requirement C.4.).

8. The IDFG must take measures to reduce deliberate illegal takes of ESA-listed fish. The IDFG's field biologists and conservation officers, through the IDFG, shall report illegal takes of ESA-listed adult and juvenile salmon to NOAA Fisheries (see Operational Reports and Notification Requirement D.5.).
9. The IDFG must monitor recreational fisheries for the incidental catch of ESA-listed **steelhead**, sockeye and chinook salmon. The IDFG must continue to conduct creel surveys. Included in the surveys shall be the numbers of hatchery-marked and unmarked fish caught by anglers. Appropriate techniques shall be employed to determine whether unmarked fish were of hatchery or natural origin. Sampling all recreational fisheries that may result in incidental takes of ESA-listed fish for catch composition, including the collection of biological information, must also continue at levels comparable to those in recent years and must be increased where necessary to insure a thorough post-season analysis of fishery impacts on ESA-listed species. IDFG personnel shall conduct creel surveys or other forms of angler contact to monitor the possible incidence of illegal harvest activity. Results of monitoring efforts and creel surveys must be reported to NOAA Fisheries on an annual basis (see Permit Reporting and Reauthorization Requirement C.7.).
10. The IDFG must conduct the following monitoring activities associated with the kokanee fishery in Redfish Lake, as stated in the IDFG's conservation plan:
  - a) interview anglers at lake access points weekly,
  - b) collect fishery information from local businessmen and campground hosts,
  - c) conduct spot checks (with enforcement personnel) on the water and at lake access points,
  - d) collect adipose fins from up to 100 creel kokanee throughout the fishing season for mitochondrial DNA analysis, and
  - e) post signs and release bulletins to the local media to alert anglers to the presence of adipose fin-clipped hatchery sockeye salmon in Redfish Lake.

**11. IDFG must provide the NOAA Fisheries with an analysis of their proposed spring chinook salmon fishery by March 15 of each year.**

**C. Permit Reporting and Reauthorization Requirements**

Contact: Mr. Herbert Pollard  
Hatcheries and Inland Fisheries Branch - NWR2  
Sustainable Fisheries Division  
10215 W. Emerald Street, Suite 180  
Boise, ID 83709

Phone: (208) 378-5614

Fax: (208) 378-5699

For the duration of this permit, work in each succeeding year is contingent upon submission and approval of a report on the preceding year's recreational fishing activities. Annual reports are due by April 15 following each year that this permit is effective.

The reports must include:

1. a detailed description of activities conducted under this permit including an estimate of the total number of fish harvested (both ESA-listed and non-listed), an estimate of the number of ESA-listed fish captured and released, an estimate of the number of ESA-listed fish incidental mortalities, the manner of takes, and the dates/locations of takes;
2. measures taken to minimize disturbances to ESA-listed fish and the effectiveness of these measures, a description of the effects of recreational fisheries on ESA-listed fish, the disposition of ESA-listed fish in the event of mortality, and a brief narrative of the circumstances surrounding ESA-listed fish injuries or mortalities;
3. any problems that may have arisen during the conduct of fisheries management activities and a statement as to whether or not the activities had any unforeseen effects;
4. a summary of law enforcement and public education efforts (see Special Conditions B.6. and B.7.);
5. a summary of the measures taken to reduce deliberate illegal takes of ESA-listed fish;
6. a description of how all take estimates were derived;

7. a summary of the results of the required monitoring activities and creel surveys (see Special Conditions B.9. and B.10.); and
8. steps that have been and will be taken to reduce the impact of recreational fisheries on ESA-listed species.

D. Operational Reports and Notification Requirements

Contact: Mr. Herbert Pollard  
Hatcheries and Inland Fisheries Branch - NWR2  
Sustainable Fisheries Division  
10215 W. Emerald Street, Suite 180  
Boise, ID 83709

Phone: (208) 378-5614

Fax: (208) 378-5699

1. The **Permit Holder** must provide the Sustainable Fisheries Division, NOAA Fisheries in the Northwest Region with a timely notice of any proposed fishery for non-listed anadromous salmon in any year that such a fishery may be proposed, including the **Snake River, lower Salmon River**, Rapid River/Little Salmon River, Clearwater River, and South Fork Salmon River fisheries (**see special condition B-4**). Proposals for fisheries shall include:
  - a) The projected number of non-listed, hatchery-produced adult salmon that are estimated to be available for harvest;
  - b) the estimated incidental take of ESA-listed anadromous fish species, if any;
  - c) proposed regulations including time, location, bag limits, and tackle restrictions; and
  - d) proposed monitoring and law enforcement plans.
2. The Permit Holder must provide plans for future undefined sport-fishing activities and/or changes in fishery locations and obtain approval from NOAA Fisheries prior to implementation.
3. The **Permit Holder** must provide the Sustainable Fisheries Division, **NOAA Fisheries** with a timely notice, in writing, of any proposed changes to IDFG's General Fishing Regulations, Anadromous Salmon Fishing Regulations, and/or Steelhead Fishing Regulations.
4. The Permit Holder must report whenever the authorized level of take is exceeded, or if circumstances indicate that such an event is imminent. Notification should be made as soon as possible, but no later than two days after the authorized level of take is exceeded. The Permit Holder must then submit a detailed written

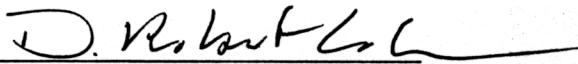
report. Pending review of these circumstances, **NOAA Fisheries** may suspend sport-fishing activities or amend this permit to allow sport-fishing activities to continue.

5. The Permit Holder must report the take of any ESA-listed species not included in this permit, when it is killed, injured, or collected during the course of sport-fishing activities. Notification should be made as soon as possible, but no later than two days after the unauthorized take. The Permit Holder must then submit a detailed written report. Pending review of these circumstances, **NOAA Fisheries** may suspend sport-fishing activities or amend this permit to allow sport-fishing activities to continue.

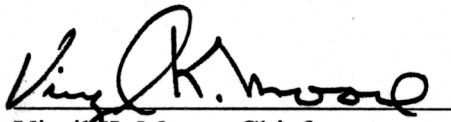
E. General Conditions

1. The provisions of this permit may be amended by the Office of Protected Resources, NOAA Fisheries, upon reasonable notice to the Permit Holder.
2. The Permit Holder, in effecting the take authorized by this Permit, is considered to have accepted the terms and conditions of this permit and prepared to comply with the provisions of this permit, the applicable regulations, and the ESA.
3. The Permit Holder is responsible for the actions of any individual operating under the authority of this permit. Such actions include capturing, handling, releasing, transporting, maintaining, and caring for any ESA-listed species authorized to be taken by this permit.
4. The Permit Holder, personnel, or designated agent acting on the Permit Holder's behalf must possess a copy of this permit when conducting the activities for which a take of ESA-listed species or other exception to ESA prohibitions is authorized herein.
5. The Permit Holder may not transfer or assign this permit to any other person(s), as person is defined in Section 3(12) of the ESA. This permit ceases to be in force or effective if transferred or assigned to any other person without prior authorization from NOAA Fisheries.
6. The Permit Holder must obtain any other Federal, state, and local permits/authorizations necessary for the conduct of the activities provided for in this permit. In addition, before taking ESA-listed species in the territorial waters of a foreign country, the Permit Holder must secure consent from, and comply with the appropriate laws of, that country.

7. Any personnel of the Permit Holder requiring Federal or state licenses to practice their profession must be duly licensed under the appropriate law.
8. The Permit Holder must allow any NOAA Fisheries employee(s) or any other person(s) duly designated by NOAA Fisheries, to accompany field personnel during the activities provided for in this permit and/or to inspect the Permit Holder's records and facilities if such records and facilities pertain to activities for which a take of ESA-listed species or other action otherwise prohibited by the ESA is authorized by this permit, relate to ESA-listed species covered by this permit, or otherwise pertain to NOAA Fisheries's responsibilities under the ESA.
9. Under the terms of the regulations, a violation of any of the terms and conditions of this permit will subject the Permit Holder, and/or any individual who is operating under the authority of this permit, to penalties as provided for in the ESA.
10. 50 CFR Section 222.23(d)(8) provides for a reasonable fee to be charged to cover the costs of the issuance of permits under the ESA. The fee for this permit has been waived.
11. Any falsification of annual reports or records pertaining to this permit is a violation of this permit.
12. This permit may be revoked by NOAA Fisheries if the activities provided for by this permit are not carried out, if the activities are not carried out in accordance with the conditions of the permit and the purposes and requirements of the ESA, or if NOAA Fisheries otherwise determines that the findings made under section 10(d) of the ESA no longer hold.

  
D. Robert Lohn  
Regional Administrator

Date 12/6/02

  
Virgil K. Moore, Chief  
Bureau of Fisheries  
Idaho Department of Fish and Game

Date 12/20/02